

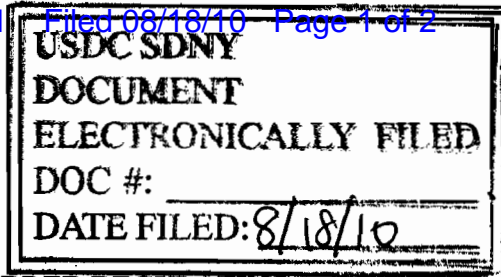
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11 LITIGATION  
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**ORDER REGULATING  
PROCEEDINGS**

21 MC 101 (AKH)



ALVIN K. HELLERSTEIN, U.S.D.J.:

WHEREAS, on July 1, 2010, I approved a settlement reached between the Aviation Defendants and certain property damage plaintiffs. See In re Sept. 11 Litig., --- F. Supp. 2d ---, 2010 WL 2628642 (S.D.N.Y. 2010);

WHEREAS, on July 22, 2010, the WTCP Plaintiffs<sup>1</sup> filed a notice of appeal of my order and opinion approving the settlement, and an amended notice of appeal on July 30, 2010;

WHEREAS, pursuant to Section 6 of the settlement agreement, settlement proceeds shall not be distributed to the settling plaintiffs until any appeal from this Court's order of approval is resolved, unless the Aviation Defendants and their contributing insurers permit early distribution pursuant to Section 7 of the settlement agreement;

WHEREAS, on April 16, 2010, the WTCP Plaintiffs, in connection with their opposition to the settling parties' motion for approval of the settlement agreement, moved for a preliminary injunction preventing distribution of the settlement proceeds prior to the exhaustion of all appeals of a decision approving the settlement;

WHEREAS, the WTCP Plaintiffs' motion for a preliminary injunction was resolved by stipulation and order dated May 5, 2010, whereby it was agreed that the Aviation Defendants and their contributing insurers would not permit early distribution pursuant to Section 7 of the settlement agreement without providing the WTCP Plaintiffs with fourteen days notice;

<sup>1</sup> The parties are defined in my July 1, 2010 decision.

WHEREAS, several of the uninsured settling property damage plaintiffs, whose entitlements under the settlement agreement represent less than one percent of the aggregate settlement amount, have sought leave to receive their settlement proceeds prior to the exhaustion of all appeals; and

WHEREAS, the WTCP Plaintiffs have refused to consent to early distribution but have represented that they would consent if any particular uninsured settling property damage plaintiff makes a showing of hardship;

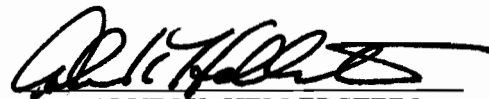
NOW, THEREFORE, IT IS ORDERED THAT:

The WTCP Plaintiffs shall show cause on Wednesday, August 25, 2010, at 2:30 p.m. in Courtroom 14D, why

- (1) the Court should not provide that distribution of the settlement proceeds shall promptly be made to uninsured settling property damage plaintiffs who show hardship, as found by the court after notice to the parties, and
- (2) the parties to the pending appeal should not enter into a scheduling order providing for accelerated briefing of the appeal and requesting early determination by the Court of Appeals.

SO ORDERED.

Dated: August 17, 2010  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge